

NOWLIN, Chairperson  
BIRD  
BLANTON  
SCHLUETER  
For the House of  
Representatives

The report of the Joint Committee to Canvass the Votes was adopted.

The Speaker declared The Honorable Bill Clements to be legally elected as Governor of Texas.

The Speaker declared the Honorable William P. Hobby to be legally elected as Lieutenant Governor of Texas.

The Speaker then returned the ballots of the General Election to the Secretary of State.

#### ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 11:52 o'clock p.m. adjourned until 11:00 o'clock a.m., Monday, January 15, 1979, in accordance with a motion previously adopted by the Senate.

#### FOURTH DAY

(Monday, January 15, 1979)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

A quorum was announced present.

The Reverend James K. Denham, University Baptist Church, Austin, offered the invocation as follows:

Today is the birthday of the late Martin Luther King, Jr., January 15th, 1979. I would like to read for you one of his prayers. Let us pray.

"I am here taking a stand for what I believe is right. But now I am afraid. The people are looking to me for leadership, and if I stand before them without strength and courage, they too will falter. I am at the end of my powers. I have nothing left. I've come to the point where I can't face it alone."

God be with us all, Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 11, 1979, was dispensed with and the Journal was approved.

### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 126** by Schwartz Finance  
Amending Chapter 19 of the Water Code; providing for an appropriation; providing for the repayment of that appropriation; and declaring an emergency. (Submitted by Governor as an emergency.)

**S.B. 127** by Schwartz Economic Development  
Amending Section 8(a) of Chapter 391, Page 1068, 65th Legislature, Regular Session, 1977 (Art. 7244b, V.T.C.S.); and authorizing payment of all money received by the State Treasurer pursuant to Section 8, Chapter 391, Page 1068, 65th Legislature, Regular Session, 1977 (Art. 7244b, V.T.C.S.) in the manner and for the purposes stated therein. (Submitted by Governor as an emergency.)

**S.B. 128** by Parker Finance  
Relating to exempting certain personal automobiles from ad valorem taxation and from forced sale for debt.

**S.B. 129** by Parker Finance  
Relating to exemption from school district ad valorem taxes of part of the value of the residence homestead of an individual who is 65 years of age or older or who is disabled.

**S.B. 130** by Parker Intergovernmental Relations  
Amending Chapter 197, Acts of the 58th Legislature, Regular Session, 1963, as amended by Chapter 25, Acts of the 60th Legislature, Regular Session, 1967 and Chapter 279, Acts of the 64th Legislature, Regular Session, 1975 by amending Sections 2(a), 2(b), 2(i), 2A, 11, 15, 17, 19 and 20 thereof; relating to the rights, powers, authority, privileges and functions of the Port of Port Arthur Navigation District of Jefferson County, Texas; finding notice of intent to introduce this Act; excepting from the application of this Act certain litigation; and declaring an emergency.

**S.B. 131** by Parker Jurisprudence  
Relating to rights, privileges, duties, and powers of spouses.

**S.B. 132** by Jones of Taylor Finance  
Making a supplemental appropriation to the attorney general's office. (Submitted by Governor as an emergency.)

**S.B. 133** by Farabee Finance  
Relating to supplemental appropriations to the First Court of Civil Appeals, the Fifth Court of Civil Appeals and the Fourteenth Court of Civil Appeals. (Submitted by Governor as an emergency.)

**S.B. 134** by Meier Economic Development  
Fixing the Maximum Rate of Interest on Loans Secured by Certain Residential Property and Declaring an Emergency.

**S.B. 135** by Farabee Economic Development  
Relating to a system of comparative fault in product liability suits.

**S.B. 136** by Farabee Economic Development  
Relating to misuse as a defense in product liability suits.

**S.B. 137** by Farabee Economic Development  
Relating to certain alterations and modifications of a product as a defense in a product liability suit.

**S.B. 138** by Farabee Economic Development  
Relating to evidence that a product complies with federal or state standards or regulations in certain actions for damages based on strict tort liability.

**S.B. 139** by Brooks Human Resources  
Relating to payments for foster care for certain children ineligible for the aid to families with dependent children program.

**S.B. 140** by Schwartz, Jones of Taylor Natural Resources  
Relating to the authority of the Railroad Commission of Texas to promulgate rules necessary to implement state responsibility under federal law or rules; amending Section 81.052, Texas Natural Resources Code (Tex. Nat. Resources Code Ann. Subsection 81.052 (Vernon 1978)); providing an emergency appropriation; and declaring an emergency. (Submitted by Governor as an emergency.)

**S.B. 141** by Ogg State Affairs  
Relating to the appointment of presiding judges and clerks in certain elections in counties with populations greater than 1,500,000; adding Section 15A to the Texas Election Code.

**S.B. 142** by Ogg Jurisprudence  
Relating to the disposition of assets of a corporation, derivative suits, and certain corporate mergers.

**S.B. 143** by Ogg Jurisprudence  
Relating to jurisdiction of a suit affecting the parent-child relationship.

**S.B. 144** by Mengden Jurisprudence  
Relating to the issuance of search warrants to search for and seize evidence of a crime.

**S.B. 145** by Mengden Jurisprudence  
Relating to a defendant's request for a speedy trial in a criminal case.

**S.B. 146** by Mengden Jurisprudence  
Relating to the payment of rewards to persons who provide information leading to arrest and conviction of certain drug offenders.

**S.B. 147** by Mengden Jurisprudence  
Relating to priority for trial of certain drug offenses.

**S.B. 148** by Mengden State Affairs  
Relating to the ballot proposition at an election to authorize the issuance of bonds by a political subdivision.

**S.B. 149** by Mengden Intergovernmental Relations  
Relating to salary increases for members of governing bodies of certain political subdivisions.

**S.B. 150** by Price Intergovernmental Relations  
Relating to the creation, establishment, administration, maintenance, operation, and financing of the Dallam-Hartley Counties Hospital District of Dallam and Hartley Counties, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

**S.B. 151** by Schwartz Finance  
Making an appropriation to the State Rural Medical Education Board; and declaring an emergency.

**S.B. 152** by Creighton Intergovernmental Relations  
Relating to creation of the 269th Judicial District, composed of Erath and Hood Counties, and the office of district attorney for the 269th District and reorganization of the 29th Judicial District.

**S.C.R. 7** by Clower Administration  
Providing for the appointment of a committee to designate the Poet Laureate of the State of Texas.

**S.C.R. 8** by Clower Administration  
Providing for the appointment of a committee to designate the Texas State Artist.

**S.R. 16** by Jones of Harris Administration  
Providing procedures for the Local and Uncontested Calendar during the 66th Legislature.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read:

**OFFICE OF THE GOVERNOR  
STATE CAPITOL  
AUSTIN, TEXAS 78711**

January 11, 1979

Mrs. Betty King  
Secretary of the Senate  
Capitol Station  
Austin, Texas

Dear Mrs. King:

I hereby request the Senate return to me the following name which was submitted to the Senate on January 9, 1979, for confirmation:

**TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES:**

For a six-year term to expire January 31, 1983:

Mr. Jay Floyd  
P. O. Box 444  
Llano, Texas 78643

Sincerely,

/s/Dolph Briscoe  
Governor of Texas

The President asked if there was objection to the return of this nomination.

There was no objection.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read:

**OFFICE OF THE GOVERNOR  
STATE CAPITOL  
AUSTIN, TEXAS 78711**

January 11, 1979

Mrs. Betty King  
Secretary of the Senate  
Capitol Station  
Austin, Texas

Dear Mrs. King:

I hereby request the Senate return to me the following name which was submitted to the Senate on January 9, 1979, for confirmation:

**TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE  
LAVACA COUNTY FLOOD CONTROL DISTRICT #3:**

For a two-year term to expire January 1, 1981:

Mr. J. W. Hermes  
Route 4, Box 96  
Hallettsville, Texas 77964

Sincerely,

/s/Dolph Briscoe  
Governor of Texas

The President asked if there was objection to the return of this nomination.

There was no objection.

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolutions:

**S.C.R. 1**  
**S.C.R. 2**

**CO-AUTHOR OF SENATE JOINT RESOLUTION 13**

On motion of Senator Price and by unanimous consent, Senator Short will be shown as Co-author of **S.J.R. 13**.

**COMMUNICATION FROM THE PRESIDENT**

The following Communication from the President was read and was filed with the Secretary of the Senate:

The State of Texas  
Office of the Lieutenant Governor  
Austin

January 15, 1979

The Honorable Betty King  
Secretary of the Senate  
State Capitol  
Austin, Texas

Dear Mrs. King:

The following committee appointments supersede those previously made:

1) Committee on Natural Resources

Chairman, Schwartz  
Vice Chairman, Williams  
Members  
Creighton  
Farabee  
Kothmann  
Mengden  
Patman  
Price  
Short  
Truan  
Vale

Subcommittee on Energy

Chairman, Mengden  
Vice Chairman, Farabee  
Member  
Vale

## 2) Committee on Economic Development

Chairman, Creighton  
Vice Chairman, Harris  
Members  
Howard  
Jones of Taylor  
McKnight  
Moore  
Price

## 3) Subcommittee on Elections (State Affairs)

Chairman, Ogg  
Vice Chairman, Doggett  
Members  
Clower  
Harris  
Tracger

Sincerely,

/s/W. P. Hobby

**SENATE RULE 103 SUSPENDED**

On motion of Senator McKnight and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Nominations might consider nominations tomorrow.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
January 15, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

Pursuant to the provisions of Section 5, Article III of the Constitution of Texas, I herewith submit as an emergency matter the following:

Appropriation of \$467,118 out of the General Revenue Fund for the operation of the First, Fifth and Fourteenth Supreme Judicial District Courts of Civil Appeals through August 31, 1979.

Pursuant to the provisions of Section 5, Article III of the Constitution of Texas, I herewith submit as an emergency matter the following:

Appropriation of \$49,640 out of the General Revenue Fund for the repair of fire damage to Sam Houston State University through August 31, 1979.

Pursuant to the provisions of Section 5, Article III of the Constitution of Texas, I herewith submit as an emergency matter the following:

Appropriation of \$2,500,000 out of the General Revenue Fund for the operation of the Deepwater Port Authority, said funds to be repaid from the proceeds of revenue bonds to be issued by said authority.

Pursuant to the provisions of Section 5, Article III of the Constitution of Texas, I herewith submit as an emergency matter the following:

Appropriation of \$115,794 out of the General Revenue Fund for the operation of the Texas Animal Health Commission through August 31, 1979.

Pursuant to the provisions of Section 5, Article III of the Constitution of Texas, I herewith submit as an emergency matter the following:

Senate Bill No. 127 by Schwartz.

Respectfully submitted,

/s/Dolph Briscoe  
Governor of Texas

#### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
January 15, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM:

For a six-year term to expire January 10, 1985:

MR. CLYDE H. WELLS of Granbury, Hood County, is being reappointed.

MR. NORMAN MOSER of DeKalb, Bowie County, is replacing Mr. Richard Goodson of Dallas, Dallas County, whose term expired.

MR. ROYCE WISENBAKER of Tyler, Smith County, is replacing Mrs. Wilmer Smith of Wilson, Lynn County, whose term expired.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES:

For a six-year term to expire January 31, 1983:

THE HONORABLE RUBEN TORRES of Port Isabel, Cameron County is replacing Mr. Clyde Whiteside of Austin, Travis County, whose term expired.

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LAVACA COUNTY FLOOD CONTROL DISTRICT NO. 3:



For a two-year term to expire January 1, 1981:

MR. JEROME I. KOCIAN of Hallettsville, Lavaca County, is being reappointed.

**TO BE A MEMBER OF THE FLEET ADMIRAL CHESTER W. NIMITZ MEMORIAL NAVAL MUSEUM COMMISSION:**

For a six-year term to expire February 1, 1981:

MR. JACOB W. HERSHEY of Houston, Harris is replacing Mr. Forbes Mann of Washington, D.C. whose term has expired.

DR. PHILIP O'BRYAN MONTGOMERY, JR. of Dallas, Dallas County, is replacing Mr. Walter N. Corrigan of San Antonio, Bexar County, whose term has expired.

For a six-year term to expire February 1, 1983:

MR. WILLIAM WAREING of Fredericksburg, Gillespie County, is replacing Mr. Dallas F. Jordan of Dallas, Dallas County, whose term has expired.

MR. FLOYD SCHNEIDER of San Antonio, Bexar County, is replacing Mr. William B. Alderman of Austin, Travis County, whose term has expired.

**TO BE A MEMBER OF THE TEXAS COORDINATING COMMISSION FOR STATE HEALTH AND WELFARE SERVICES:**

For a two-year term to expire December 31, 1980:

MR. G. E. ENGELMAN of Fort Worth, Tarrant County, is being reappointed.

DR. CECIL G. HAROLD of Houston, Harris County is being reappointed.

DR. PER H. LANGSJOEN of Temple, Bell County, is being reappointed.

**TO BE A MEMBER OF THE TEXAS AERONAUTICS COMMISSION:**

For a six-year term to expire December 31, 1984:

MR. LUCIEN FLOURNOY OF Alice, Jim Wells County, is being reappointed.

MR. JAMES M. JOHNSON of Austin, Travis County, is replacing Mr. David A. Witts of Dallas, Dallas County, whose term has expired.

**TO BE A MEMBER OF THE PRODUCE RECOVERY FUND BOARD:**

For a six-year term to expire January 1, 1985:

MR. CURT CARGILE of Uvalde, Uvalde County, is replacing Mr. Henry L. Van De Walle, Sr. of San Antonio, Bexar County, whose term has expired.

**TO BE A MEMBER OF THE TEXAS COMMISSION ON THE ARTS AND HUMANITIES:**

For a six-year term to expire August 31, 1979:

MR. WALTER MATHIS of San Antonio, Bexar County, will replace the Honorable John Ben Shepperd of Odessa, Ector County, who resigned.

DR. FRANCIS A. MORRIS, JR. of Austin, Travis County, will replace Mr. William E. Burford of Dallas, Dallas County, who resigned.

**TO BE A MEMBER OF THE GOVERNOR'S COMMITTEE ON AGING:**

For a six-year term to expire August 30, 1983:

MR. W. L. "PUP" KINDLE of Austin, Travis County, is being reappointed.

**TO BE A MEMBER OF THE TEXAS LIBRARY AND HISTORICAL COMMISSION:**

For a six-year term to expire September 28, 1981:

MR. LUCIAN L. MORRISON of San Antonio, Bexar County, is replacing Mr. Don Scarbrough of Georgetown, Williamson County, who resigned.

**TO BE A MEMBER OF THE TEXAS BOARD OF HEALTH:**

For a six-year term to expire February 1, 1979:

MR. E. JACK BROWN of Lubbock, Lubbock County, is replacing Mr. Royce E. Wisenbaker of Tyler, Smith County, who resigned.

**TO BE A MEMBER OF THE TEXAS HISTORICAL COMMISSION:**

For a six-year term to expire January 1, 1985:

MR. BARNEY DAVIS of Somerville, Burleson County, is being reappointed.

MR. GEORGE CHRISTIAN of Austin, Travis County, is replacing Mrs. Wesley Blankenship of Lubbock, Lubbock County, whose term has expired.

MR. WOODROW GLASSCOCK, JR. of Hondo, Medina County, is replacing the Honorable William A. Harris of San Antonio, Bexar County, whose term has expired.

MR. HENRY VAN DE WALLE, SR. of San Antonio, Bexar County, is replacing Mrs. Dan S. Petty of Dallas, Dallas County, whose term has expired.

MRS. VIRGINIA LONG of Kilgore, Gregg County, is replacing Mrs. J. Douglass Tooles, Sr. of Houston, Harris County, whose term has expired.

DR. DAN WILLIS of Fort Worth, Tarrant County, is replacing Mr. John Beretta of San Antonio, Bexar County, whose term has expired.

**TO BE A MEMBER OF THE BOARD OF DIRECTORS OF TEXAS EASTERN UNIVERSITY:**

For a six-year term to expire January 31, 1983:

MR. JEFF AUSTIN, JR. of Jacksonville, Cherokee County, is being reappointed.

MR. H. J. MC KENZIE of Tyler, Smith County, is being reappointed.

MR. C. QUENTIN ABERNATHY of Gladewater of Gregg-Upshur Counties, is being reappointed.

**TO BE A MEMBER OF THE SAN JACINTO HISTORICAL ADVISORY BOARD:**

For a six-year term to expire September 1, 1983:

MR. FRANK E. TRITICO of Houston, Harris County, is replacing Mr. Ben Blanton of Houston, Harris County, who is deceased.

**TO BE A MEMBER OF THE TEXAS AIR CONTROL BOARD:**

For a six-year term to expire September 1, 1983:

DR. OTTO KUNZE of College Station, Brazos County, is replacing Mr. Jerome Wallace Sorenson, Jr. of College Station, Brazos County, who resigned.

**TO BE A MEMBER OF THE TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS:**

For a six-year term to expire September 1, 1983:

MR. JAMES D. DANNENBAUM of Houston, Harris County, is being reappointed.

For a six-year term to expire September 1, 1979:

MR. DAVID BRUNE of Arlington, Tarrant County, is replacing Mr. Paul H. Story of Irving, Dallas County, who resigned.

**TO BE A MEMBER OF THE STATE BOARD OF VOCATIONAL NURSE EXAMINERS:**

For a six-year term to expire September 6, 1983:

MR. EDWARD ADRIANCE of San Antonio, Bexar County, is replacing Ms. Bess Davenport of Rosebud, Falls County, whose term expired.

MS. ANNIE MAE PARKER of Belton, Bell County, is replacing Ms. Loy Patton of Stephenville, Erath County, whose term expired.

MS. DORIS G. SINCLAIR of San Antonio, Bexar County, is replacing MS. PATRICIA RACHEL of Dallas, Dallas County, whose term expired.

**TO BE JUDGE OF THE 330TH FAMILY DISTRICT COURT OF TEXAS, DALLAS COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:**

THE HONORABLE STEVEN G. CONDOS of Dallas, Dallas County, is being reappointed.

**TO BE A MEMBER OF THE TEACHERS PROFESSIONAL PRACTICES COMMISSION:**

For a three-year term to expire August 31, 1981:

MR. CHARLES FELIX GIBSON of Paris, Lamar County, is replacing Mr. Bobby R. Walters of Paris, Lamar County, whose term has expired.

MRS. CHRISTINE ODOM of Killeen, Bell County, is replacing Mrs. Jimmy Dixon of Bryan, Brazos County, whose term has expired.

MS. PAMELA HORTON of Austin, Travis County, is replacing Mr. David R. Walvoord of Amarillo, Potter County, whose term has expired.

MRS. DOLORES F. VALADEZ of Mission, Hidalgo County, is replacing Mrs. Carol Sue Gray of Longview, Gregg County, whose term has expired.

MRS. CAROLYN HARRELL of Gonzales, Gonzales County, is replacing Mrs. Sherry Lizcano of Laredo, Webb County, whose term has expired.

For a three-year term to expire August 31, 1979:

DR. JOHN F. TOWNLEY of Irving, Dallas County, is replacing Dr. Leo D. Bradley of Springbranch, Harris County, who resigned.

**TO BE A MEMBER OF THE BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM:**

For a six-year term to expire January 10, 1983:

MR. ROBERT B. BALDWIN III of Austin, Travis County, is replacing Mr. James L. Powell of Fort McKavett, Menard County, who resigned.

**TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LOWER COLORADO RIVER AUTHORITY:**

For a six-year term to expire January 1, 1985:

MR. E. B. "TEX" MAYER of La Grange, Fayette County, is replacing Mr. Charles Jungmichel of La Grange, Fayette County, whose term expired.

MR. B. L. PARKER of Bastrop, Bastrop County, is replacing Mr. Cecil B. Long of Bastrop, Bastrop County, whose term expired.

MR. THOMAS H. DEAN of Cherokee, Cherokee County, is being reappointed.

MR. BERT L. HUEBNER of Bay City, Matagorda County, is replacing Mr. Eli Mayfield of Palacios, Matagorda County, whose term expired.

**TO BE A MEMBER OF THE TEXAS EMPLOYMENT COMMISSION:**

For a six-year term to expire November 21, 1980:

MR. A. C. SHIRLEY of Manor, Travis County, is replacing Mr. Joe Gunn of Madisonville, Madison County, who resigned.

**TO BE A MEMBER OF THE TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION:**

For a six-year term to expire January 31, 1983:

MR. A. L. MANGHAM, JR. of Nacogdoches, Nacogdoches County, is replacing Dr. Olin B. Gober of Temple, Bell County, who is deceased.

**TO BE A MEMBER OF THE TEXAS MOTOR VEHICLE COMMISSION:**

For a six-year term to expire September 1, 1983:

MR. BILL J. ROGERS of Midland, Midland County is replacing Mr. Gordon Bailey, Sr. of Fort Worth, Tarrant County, who resigned.

**TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS WOMAN'S UNIVERSITY:**

For a six-year term to expire January 10, 1985:

MRS. BEN CARPENTER of Irving, Dallas County, is being reappointed.

MRS. LA VONNE UNSELL of Denton, Denton County, is replacing Mr. John A. Freeman, Jr. of Fort Worth, Tarrant County, whose term has expired.

MRS. C. T. (GAY) MATTHEW of Yoakum, Lavaca County, is replacing Frank J. Altick of Dallas, Dallas County, whose term has expired.

**TO BE A MEMBER OF THE BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM:**

For a six-year term to expire January 10, 1985:

MR. PHILIP G. WARNER of Houston, Harris County, is being reappointed.

MR. BILL WRIGHT of Houston, Harris County, is replacing Mr. Emil C. Rassman of Midland, Midland County, whose term has expired.

MR. HOLLIS W. SMITH of San Marcos, Hays County, is replacing Mr. Sam Tanner of Henderson, Cherokee County, whose term has expired.

**TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNIVERSITY SYSTEM OF SOUTH TEXAS:**

For a six-year term to expire August 31, 1983:

MR. JOE BISHOP of Arlington, Tarrant County, is replacing Mr. George Fred Rhodes of Port Lavaca, Calhoun County, whose term expired.

**TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM:**

For a six-year term to expire January 10, 1985:

MR. HOWARD RICHARDS of Beaumont, Jefferson County, is replacing Dr. James E. Bauerle of San Antonio, Bexar County, whose term expired.

THE HONORABLE JON NEWTON of Austin, Travis County, is replacing The Honorable Allan Shivers of Austin, Travis County, whose term expired.

MR. JAMES L. POWELL of Fort McKavett, Menard County, is replacing The Honorable Edward A. Clark of Austin, Travis County, whose term expired.

**TO BE A MEMBER OF THE TEXAS ANIMAL HEALTH COMMISSION:**

For a six-year term to expire September 6, 1979:

MR. JAMES D. SARTWELLE, SR. of Sealy, Austin County, is replacing Mr. Norman Moser of DeKalb, Bowie County, who resigned.

The Governor is designating Mr. John B. Armstrong of Kingsville, Kleberg County, as Chairman of the Animal Health Commission.

**TO BE JUDGE OF THE 191ST JUDICIAL DISTRICT OF TEXAS, DALLAS COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HER SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:**

THE HONORABLE JOAN T. WINN of Dallas, Dallas County, is being reappointed.

TO BE JUDGE OF THE 44TH JUDICIAL DISTRICT OF TEXAS, DALLAS COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

THE HONORABLE P. OSWIN CHRISMAN of Dallas, Dallas County, is being reappointed.

TO BE JUDGE OF THE 113TH JUDICIAL DISTRICT OF TEXAS, HARRIS COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

THE HONORABLE JOHN RAY HARRISON of Houston, Harris County, is being reappointed.

TO BE JUDGE OF THE 312TH JUDICIAL DISTRICT OF TEXAS, HARRIS COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

THE HONORABLE ROBERT S. WEBB III of Houston, Harris County, is being reappointed.

Respectfully submitted,

/s/Dolph Briscoe  
Governor of Texas

#### SENATE RESOLUTION 12

Senator Truan offered the following resolution:

**S.R. 12**, Commending Rodolfo (Rudy) Flores on his outstanding career of public service to his community and to the people of the State of Texas.

The resolution was read and was adopted.

Senator Truan then presented Mr. Flores to the Members of the Senate.

#### CONGRATULATORY RESOLUTIONS

**S.R. 13** - By Clower: Extending welcome to Don Berry, Stanly H. Lewis and George E. Spraberry, Jr.

**S.R. 14** - By Clower: Extending welcome to Charleen Cole.

**S.R. 15** - By Clower: Extending congratulations to Nancy and David Balfour.

#### RECESS

On motion of Senator Schwartz the Senate at 11:25 o'clock a.m. took recess in memory of Reverend Dr. Martin Luther King, Jr. until 12:00 o'clock noon tomorrow, in Joint Session for the purpose of Inauguration.

**MOTION TO ADJOURN**

Senator Schwartz moved that the Senate stand adjourned at the conclusion of the Joint Session for the Inauguration of the Governor and Lieutenant Governor until 10:00 o'clock a.m. Wednesday, January 17, 1979.

**APPENDIX**

Sent to Governor

(January 15, 1979)

**S.C.R. 1**

**S.C.R. 2**

**FOURTH DAY**

(Continued)

(Tuesday, January 16, 1979)

**AFTER RECESS****JOINT SESSION**

(To Inaugurate Governor and Lieutenant Governor)

The Senate met at 12:00 o'clock noon in Joint Session with the House of Representatives in the space reserved for the Legislature adjacent to the platform erected at the South entrance of the Capitol for the Inauguration of the Governor and Lieutenant Governor.

Governor-elect and Mrs. William P. Clements, Jr., Lieutenant Governor-elect and Mrs. William P. Hobby, Gill Clements, Mrs. Oveta Culp Hobby, Paul Hobby, Laura Hobby, Andrew Hobby, Kate Hobby, Dan Bass, Bonnie Bass, Jim Bass, Barbara Bass, The Reverend and Mrs. Byron Crocker, Mason Crocker, Chief Justice and Mrs. Joe R. Greenhill, President Pro Tempore of the Senate and Mrs. Bill Meier, Speaker and Mrs. Bill Clayton, Representative Wilhelmina Delco and Mr. Delco, Senator and Mrs. Lloyd Doggett, Dr. and Mrs. Marvin Griffin and Bob Johnson advanced to the platform through the Honor Guard of the Ross Volunteers of Texas A&M University standing at attention throughout the ceremony.

The University of Texas at Austin Longhorn Band played the National Anthem.

President Pro Tempore Bill Meier called the Senate to order and announced a quorum of the Senate present.

Speaker Bill Clayton called the House of Representatives to order and announced a quorum of the House present.

The Honorable Bill Clayton, Speaker of the House, announced the purpose of the Joint Session.

The Speaker introduced The Reverend Byron G. Crocker, St. Stephens Episcopal Church, Beaumont, who delivered the invocation as follows:

Almighty God, Heavenly Father we pray that Thy Holy Spirit may be with us now especially at this auspicious time and in this place. By giving us dominion over all the resources of the earth Thou has made us fellow workers in Thy creation. Gracious Giver of all good things, who has created all people in Thy image, we thank Thee especially for the men and women who have given generously of their talent, leadership and of their lives to help make Texas strong and great; we praise Thee for the faith and heritage we have inherited in all its rich variety. We stand in awe of the natural majesty and beauty of our great state and we realize the blessings of the many natural resources of our bountiful state. Grant to Governor Clements, Lieutenant Governor Hobby, and all in authority the wisdom and strength to know and to do Thy will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve this people in Thy fear. Help us, O Lord, to finish the good work here begun. Strengthen our efforts to blot out ignorance and prejudice, to lift the burden of poverty and turn the hearts of the disobedient to the wisdom of the just. Almighty and Eternal God, so draw our hearts to Thee, so guide our minds, so fill our imaginations, so control our wills, that we may be wholly Thine, utterly dedicated unto Thee and then use us we pray, as Thou wilt, always to Thy glory and the welfare of Thy people, through our Lord and Saviour, Jesus Christ.

The Speaker announced that the Constitutional Oath of Office would be administered to Lieutenant Governor-elect Hobby by Chief Justice Joe R. Greenhill.

The Honorable William P. Hobby then took the Constitutional Oath of Office and affixed thereto his signature, the oath being administered and the signature attested by Chief Justice Joe R. Greenhill.

The Honorable Bill Meier, President Pro Tempore of the Senate, presented The Honorable William P. Hobby, Lieutenant Governor of Texas, who addressed the Joint Session as follows:

As always, we are met here today in a time of change, a time when people all over this country are becoming reconciled to the principles, nay becoming eager converts to the beliefs, of our nation's founders.

After several generations of drift, once again our nation embraces the principles to which Texans have always held:

- (1) Truly the best government governs least.
- (2) The dollar paid in taxes—the dollar confiscated by government—is a dollar that cannot be spent or invested.
- (3) A social problem is rarely solved by passing a law, creating an agency, or appropriating millions of dollars.
- (4) Every law passed, every regulation issued, is an infringement of personal liberty.

But that's not all there is to government.

In an increasingly complex society, do we need less education to equip citizens to become contributing members of society? No. We need more.

Do we need less protection from theft and violence? No. We need more.

What do we need less of? We need less intrusiveness into our private lives and businesses.

What do we need more of? We need more of the services that state and local government provide and less of the prying and second-guessing and regulation that the federal government imposes.

We need more service and less regulation.

The nation is in fact returning to a political faith to which Texas has always adhered.

That faith is one of limited government. If the Congress of the United States were as wary of delegating its policy-making powers as is our Legislature, we would be a freer people. Had the Congress the same Constitutional limitations and tradition of fiscal restraint as our Legislature we would not be victimized by galloping inflation nor would our prosperity be endangered by double digit interest rates.

But limited government means more than that. It means a Legislature with a stable membership and an institutional memory. It means a judiciary that understands that its function is to interpret law, not create it. It means administrators who understand that their function is to administer law, not make it. It means an executive branch whose major functions are governed by citizens freely giving of their time out of concern for the quality of our government.

It means, in fact, the kind of government Texas has developed over the years—one that respects the citizen's money and privacy, one that hears the people's complaints and supports their hopes and dreams.

The stream of immigrants to Texas, both from across the Red River and the Rio Grande, is irrefutable testimony to the fact that individual initiative produces greater prosperity and happiness. These new Texans are voting with their feet.

Once again, Texas finds itself uniquely at an historic meeting place of converging traditions.

Let us trace together four threads of history that come together today. The first thread begins at Philadelphia two centuries ago when our forebears set forth in the Declaration of Independence the tyrannies that forced them to rebellion against England.

The second thread begins a generation later when, at Dolores, in Guanajuato, on the Dieciseis de Septiembre in 1810, Miguel Hidalgo gave the Grito of revolt against Spain.

Let us pass on a quarter of a century and pick up the third thread at the San Jacinto battlefield in 1835, when the Republic of Texas became a fact.

For black Texans, the beginnings of freedom came through yet a fourth revolution—the Civil War, a flawed revolution, a failed rebellion, but a revolution nonetheless that advanced the cause of human freedom through its failure.

What do these revolutions have in common?

Here's what they have in common. Three times our forebears came forth to conquer new worlds and did so. But, in the process, they became different peoples themselves, no longer able to tolerate governments that could not understand their rage for liberty, their desire to be left alone, their passion to shape their own destinies. These were the frustrations that led our Anglo and our Hispanic and our Texan ancestors alike to break the bonds of tyranny.

This, then, is that historic convergence where we meet today. Old and new civilizations blend across the Rio Grande. Old and new traditions blend along the 98th meridian—traditions of the old and new South, tempered by the tragedy of Civil War and transformed by prosperity. Out of this convergence has come a uniquely Texan blend of optimism, faith, and patriotism.



The revolutions to which we are heirs are unique in that they did not go full circle to stagnate again in tyranny, but continue their quests for justice and liberty. How best can we continue on with these revolutions? Build on those ideals? Expand human liberties, increase human opportunities?

Let us seize our opportunity and build upon our rich and diverse heritage so that our descendants may be as proud of us as we are of our own ancestors in liberty.

That's what government is all about.

Children of revolution, inheritors of hard-won freedom, Texans have not strayed from the libertarian principles of our revolutionary ancestors. We have not forgotten that if citizens are to be free, government must be limited.

Texas, the conservator and protector of liberties won in the past, stands now as a guidepost and example for their preservation in the future.

Speaker Clayton announced that the Constitutional Oath of Office would be administered to Governor-elect William Perry Clements, Jr., by Chief Justice Joe R. Greenhill of the Supreme Court.

The Honorable William Perry Clements, Jr., then took the Constitutional Oath of Office and affixed thereto his signature, the oath being administered and the signature attested by Chief Justice Joe R. Greenhill.

Speaker Clayton then presented His Excellency, The Honorable William Perry Clements, Jr., who addressed the Joint Session as follows:

Lieutenant Governor Hobby, Mr. Speaker, members of the Sixty-Sixth Texas Legislature, distinguished officials and guests, my fellow Texans:

An inauguration traditionally marks the beginning of a new administration, and any beginning requires an awareness and an understanding of the past.

So, an inauguration is a time when we must pause to reflect on our past before embarking on the future.

An inauguration also is a time to offer thanks and I would like to begin by thanking our Divine Leader who is the fountainhead of our very existence.

The first Governor of the State of Texas, the Honorable J. Pinckney Henderson, said in his Inaugural Address of 1846:

"Who can look back upon our history, and not be fully and deeply impressed with the consideration that the arm of Deity has shielded our nation, and His justice and wisdom guided us in our path? It is therefore our duty, in deep humility, to make our acknowledgements for His many favors."

As your public servant, I want to thank you for the trust you have placed in me and for the opportunity you have given me to represent you.

This being the first time I have ever taken the oath of public office as an elected official, I take it with extreme seriousness and with a keen awareness of its meaning and obligations.

To take this oath is an honor because to be your Governor is to be the leader of the most exceptional state in the union, a state made great by its people.

This inauguration would be incomplete if we do not stop to publicly thank our outgoing elected leaders for their contributions to this state.

As a citizen, I want to thank Governor Dolph Briscoe for his six years of distinguished and unselfish service to this state.

He will be remembered as the Governor who successfully fought the creation of any new state taxes.

And, he will be remembered as the Governor who took the first steps toward returning the tax-generated surplus in our state treasury back to its rightful owners.

This is Governor Briscoe's legacy to Texas, and it's one he can be proud of and one this state will always appreciate.

As your Governor, I too, have goals for Texas and I am committed to making our state government accountable to the taxpayers.

I want to conduct government in a business-like manner, with elected officials and government leaders responsible to the taxpayers just as a board of directors and company officials are responsible to the stockholders.

You will hear voices during my administration expressing doubts about some of my proposals. But, I will persist, we will prevail.

I will persist because I believe that you, the people, have made clear your desire for better government and for less government.

I will persist with my plans to return to you, the taxpayers, one billion dollars of the state's surplus. I will persist with my plans to give you long-term, constitutional safeguards — including the right of initiative and referendum — to protect against excessive taxation and wasteful government spending.

I will persist with my plans to reduce the size of our state bureaucracy.

And, I will persist with my plans to improve the quality of our education system so that we can give our children the basic building blocks they need to develop meaningful careers.

I will persist with these and many other priorities because I believe you have clearly stated that we must persist, together.

I believe we will be successful because these are issues and concerns that cut across partisan lines. These are not just Republican issues or Democrat issues. These are Texas issues and the people of Texas are the ultimate beneficiaries.

I believe we will be successful because Texans have elected a unique leadership team to address these issues and concerns.

This inauguration, where a Republican governor takes office with a Democratic lieutenant governor, stands as living proof of the independent thinking of the people of this state.

I am uplifted and encouraged by that kind of spirit, and in that expression from the people of Texas, I see the clear message that I must be a governor who puts quality, excellence, achievement, and the best interests of this state, above partisan loyalties.

We have a healthy blend of leaders, who like myself, are assuming the responsibilities and challenges of elective office for the first time; and, we have leaders like Lieutenant Governor Bill Hobby and House Speaker Bill Clayton who have dedicated many years of their lives to public service.

This leadership team is one of enthusiasm and experience, but foremost, it is one of dedication and unity of purpose.

As public servants, we all were elected by the people of Texas and we must be responsive to the needs and concerns of the same electorate.

The challenge to government is to help people deal with their needs and concerns. I believe our founding fathers provided us with the framework for doing this.

I believe this framework is often overlooked and that we often forget the words upon which our state and our nation were founded.

These are not the words of demagogues for demagogues are quickly forgotten. History has proven the value and meaning of these words and they bear repeating.

For Texans, these words are found in the first three sections of Article One, the Bill of Rights, in the State Constitution.

The first section states: "Texas is a free and independent state, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the union depends upon the preservation of the right of local self-government, unimpaired to all the states."

This Bill of Rights is saying that while we must work with other states and with the federal government for the betterment of the entire nation, we must be vigilant and protect our independence as a sovereign state.

For when the federal government weakens the power and independence of the states, the union itself is weakened.

In recent years, we have seen a disturbing trend toward the creation of a new branch of the federal government, the regulatory branch, a branch that doesn't include you and me among its constituency.

It is not elected by anyone and, in fact, is accountable to no one.

By an excessive and improper transfer of authority to these regulatory agencies, the congress and the president have further removed government from the reach of the people and further weakened the power of the states.

This must not be condoned by Texans. We must assert our rights and our spirit at every opportunity.

And, at the same time, we must take steps to ensure that our state government does not usurp the rights of individuals or of local governments within our boundaries.

The best government is that government which is closest to the people. The second section of the Bill of Rights in our state constitution speaks to that relationship between the people and their government.

It states, "All political power is inherent in the people and all free governments are founded on their authority, and instituted for their benefit, the faith of the people of Texas stands pledged to the preservation of a Republican form of government, and, subject to this limitation only. They have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient."

Those are potent words and they create a straightforward message. That message is this: Power in this state and in this nation rests not with political parties, not with governmental institutions, not with elected leaders, but with the people.

Like many other citizens, I have seen the governmental bureaucracy and some politicians trying to infringe on our rights as individuals.

We have seen the consequences of such infringement by government in other parts of the United States. When excessive intrusion by government into the lives of individuals is permitted, government becomes an economic master and the people become its slaves.

Texas, though, has had the benefit of more enlightened leaders through the years. We are still in the position of being able to control our state government, but warning signs are present and we must be aware of them.

Now is the time for us to set firm limits on our government. Now is the time for us to emphatically state that we want our government to serve us, not to dominate us.

In controlling government, in making it our servant, we must proceed without diminishing the rights of any citizen.

Section three of the Bill of Rights in our state constitution says: "All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate emoluments, or privileges, but in consideration of public services."

That same section also says: "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin."

The greatest strength of Texas long has been the vitality and diversity of its people. They came to this land as Indians, as Spaniards, as Frenchmen, as Englishmen, as Germans, as blacks, as browns, as whites, as people from many different backgrounds. And, they are still coming.

Yet when they arrive, they become Texans, people bound together by a common quest for a better life for themselves and for their children and grandchildren.

We must respect the rights of all Texans. Regardless of their cultural background. And, we must continually work to safeguard those rights. We must see that equal opportunity is a reality for all of our citizens.

People came here because this was the land of opportunity. It still is today.

Texas was a frontier then and it is today. It is a frontier in the sense of unparalleled economic opportunity. It is a place where people can realize their dreams and aspirations — and a place where free enterprise can flourish — without laboring under the yoke of a burdensome government.

It's not difficult to explain these vast opportunities, but it is becoming increasingly difficult to protect them and extend them to all Texans.

By being ever mindful of these three sections in the Bill of Rights — by stepping back to that firm foundation of government outlined in our state constitution — our steps forward in the future will be steadier and longer.

These three sections in our state constitution help form what will be a guiding philosophy of my administration.

Condensed to its most basic form, my philosophy is this: The proper function of government is not to guarantee prosperity for its citizens; rather, it is to guarantee them the opportunity to achieve prosperity.

Putting our government into its proper perspective is a job too large for me, or Lieutenant Governor Hobby, or Speaker Clayton, or the members of the legislature, or for any public official, without the direct involvement of the citizens of Texas.

You, too, have a responsibility to help achieve good government, and that responsibility goes beyond voting on election day.

When we as individuals, and as a state are silent — when we let others make decisions for us without stating our beliefs — we forfeit some of our freedom.

When we stand up and speak out, when we express our desires and concerns, then and only then, will we have effective government.

I am confident we can achieve that kind of effective government because the people of Texas are the state's most outstanding natural resource.

I am confident, too, that we can achieve the abundant potential with which our state has been endowed.

Now is the time for us to begin. I ask all of you to join with me, to put the best interests of Texas at the forefront of your thoughts.

We must be diligent, we must be bold, we must be energetic.

All of us, all Texans, must lock arms and work together. We must shape a new alliance of greatness, an alliance that will perpetuate and enhance the blessings our Almighty God has bestowed on our state.

The Speaker then presented The Reverend Dr. Marvin C. Griffin, Pastor of the Ebenezer Baptist Church of Austin, who delivered the benediction as follows:

Let us pray...

“Sail on, Sail on, O Ship of State!

Sail on, O Texas, strong and great!

Our hearts, our hopes, our prayers, our tears,

Our faith triumphant o'er our fears,

Are all with thee - are all with thee Lord God, be with us yet, beyond the pomp and circumstance of this inaugural ceremony, to the challenge and commitment which lead to significant achievement.